Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2. In Fig. 2, previously omitted flow description in the members of the flowchart has been added.

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action dated October 3, 2007. The status of the application is as follows:

- Claims 1-20 are pending.
- The drawings are objected to under 37 CFR §1.83(a).
- The specification is objected to under 35 U.S.C. 112, first paragraph.
- Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson (US 6,454,708).
- Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Segalowitz (US 5,307,818).

The objections and rejections are discussed below.

The Objection to the Drawings under 37 CFR §1.83(a)

The drawings stand objected to under 37 CFR §1.83(a) for failing to show content of the flowchart in Fig. 2. This objection should be withdrawn as a replacement sheet with an amended Fig. 2, which includes the flow description in the members of the flowchart, has been submitted herewith.

The Objection to the Specification under 35 U.S.C. 112, first paragraph

The specification stands objected to under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Office asserts the disclosure does not appear to show how a person of ordinary skill in the art at the time of the invention would create a high priority alarm as opposed to any other priority. Applicant notes that the standard for determining whether the specification meets the enablement requirement was cast in the Supreme Court decision of Mineral Separation v. Hyde, 242 U.S. 261, 270 (1916) which postured the question: is the experimentation needed to practice the invention undue or unreasonable? That standard is still the one to

be applied. (See MPEP §2164.01). In addition, the specification need not disclose what is well-known to those skilled in the art and preferably omits that which is well-known to those skilled and already available to the public. (See MPEP §2164.05(a) citing In re Buchner, 929 F.2d 660, 661 (Fed. Cir. 1991)). At the time of the invention, a person of ordinary skill in the art would know how to create a high priority alarm as opposed to any other priority without undue or unreasonable experimentation based on the original specification and what was already known in the relevant art. As such, this objection should be withdrawn.

The Rejection of Claims 1-4 and 7-9 under 35 U.S.C. §102(e)

Claims 1-4 and 7-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ferguson. This rejection should be withdrawn because Ferguson does not teach each and every aspect set forth in subject claims and, thus, does not anticipate claims 1-4 and 7-9.

> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). MPEP §2131

Independent **claim 1** is directed towards a wearable heart monitoring system for monitoring of a cardiac arrhythmia. The wearable heart monitoring system includes, *inter alia*, a real-time evaluator that measures and analyzes a histogram of a temporal distribution of an interval between successive corresponding characteristic peaks in an ECG spectrum during a plurality of successive heart cycles, and an alarm generator that generates an alarm based on the analysis of the histogram. The Office asserts Ferguson teaches such aspects at column 12, lines 34-56, and column 25, lines 12-29. However, these sections of Ferguson do not teach or suggest such aspects.

More particularly, Ferguson is directed towards a portable remote patient telemonitoring system. The system includes a disposable sensor band, designed to extend

across the patient's chest, with sensors for measuring an ECG waveform, and portable memory for storage of the measured data. (See Abstract; and column 8, lines 44-55). As disclosed in the Abstract, the portable memory can be removed from the band and inserted into a separate remote base station which reads the stored data. The base station is connected to conventional phone lines for transferring the collected data to a remote monitoring station. The remote monitoring station allows the presentation and review of data. The remote monitoring station includes ECG analysis software and a graphical user interface to remotely analyze the transmitted data.

Column 25, lines 1-29, describes a use case for the remote monitoring station. (See column 23, lines 17-32). As discloses therein, once a user selects a patient case at the remote monitoring station 50, the entire patient session is sent to the ECG analyzer 98 of the remote monitoring station 50 (See Fig. 6), which provides for reviewing and performing data analysis of the data, including the ability to display a histogram of the data. Column 12, lines 34-56, describes the remote base station unit 30 (See Fig. 3). As disclosed therein, the remote base station unit 30 may include software which compares the various vital signs data signals received from the portable memory of the band. A buzzer of the remote base station unit 30, when an event is generated, may be sounded, and a warning message could also be displayed on display 31 of the base station unit 30. The buzzer and/or warning message would warn the patient to call his/her doctor to investigate an event which occurred that day.

Hence, Ferguson discloses a system in which ECG data, obtained with a disposable band of sensors attached to a patient, is subsequently transferred to and reviewed and analyzed by a remote monitoring station 50, which is a separate device that is remote from the band, and/or is subsequently transferred to and analyzed by a remote base station 30, which is a separate device that is remote from the band and which may activate a buzzer based on the comparison. In contrast, claim 1 requires that the wearable heart monitoring system include the real-time evaluator and the alarm generator. As

such, Ferguson does not teach or suggest each and every claim aspect. Thus, Ferguson does not anticipate claim 1, and this rejection should be withdrawn.

Independent **claim 8** is directed towards a method for alerting a patient for a substantial probability of a cardiac arrest event, and has been amended to recite processing the data for extracting a characteristic parameter with the conditioning and interpreting circuitry, which is located on a physiological sensing belt in operative communication with the patient. As discussed *supra*, Ferguson instead discloses a reviewing and analyzing ECH data by a remote based station 30 and/or a remote monitoring station 50. Therefore, Ferguson does not teach or suggest each and every aspect in claim 8, and, thus, this rejection should be withdrawn.

Claim 9, which depends from claim 8, recites that an alarm with a high priority is generated in case of a sudden cardiac arrest. The Office asserts column 12, lines 34-56, teaches this claim aspect. However, the referenced section of Ferguson is silent regarding alarm priorities. Accordingly, this rejection should be withdrawn.

Claims 2-4 and 7 depend from independent claim 1 and are allowable at least by virtue of their dependencies.

The Rejection of Claims 5 and 6 under 35 U.S.C. 103(a)

Claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Segalowitz. **Claims 5 and 6** depend from independent claim 1 and are allowable at least by virtue of their dependencies.

Newly added claims

New **claim 10**, which depends from claim 8, recites that the alarm generator is located on the belt. As discussed above in connection with claim 1, Ferguson does not teach or suggest such aspects. Rather, Ferguson discloses a system in which a base station 30, which is remotely located from the band attached to the patient, may compare

physiological data acquired by the band and may activate a buzzer based the comparison. Thus, this rejection should be withdrawn.

New **claims 11-20** emphasize various aspects. No new matter has been added. Entry and allowances of these claims is respectfully requested.

Conclusion

In view of the above, it is submitted that the subject claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

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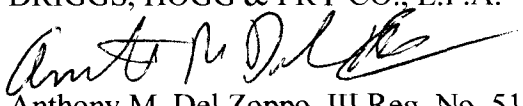

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